

Exhibit 11

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

3 -----
4 **BLACK LOVE RESISTS IN THE RUST, et al.,**
5 **individually and on behalf of a class of**
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.
11 -----

12 **ORAL EXAMINATION OF DANIEL DERENDA**

13 **APPEARING REMOTELY FROM**

14 **BUFFALO, NEW YORK**

15
16
17 November 10, 2021

18 At 9:00 a.m.

19 Pursuant to notice
20

21 REPORTED BY:

22 Rebecca L. DiBello, RPR, CSR(NY)

23 APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

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R E M O T E A P P E A R A N C E S

APPEARING FOR THE PLAINTIFFS:

**NATIONAL CENTER FOR LAW AND
ECONOMIC JUSTICE**

BY: CLAUDIA WILNER, ESQ.,
275 Seventh Avenue, Suite 1506
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CENTER FOR CONSTITUTIONAL RIGHTS

BY: A. CHINYERE EZIE, ESQ.
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APPEARING FOR THE DEFENDANTS:

**CITY OF BUFFALO LAW
DEPARTMENT**

BY: ROBERT E. QUINN,
ASSISTANT CORPORATION COUNSEL
1100 City Hall
65 Niagara Square
Buffalo, New York 14202
(716) 851-4326

ALSO PRESENT:

KARINA TEFFT, ESQ.,
ANJANA MALHOTRA, ESQ.,
RANIT PATEL

National Center for Law and Economic
Justice

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~~DANIEL DERENDA~~

1 32 years. Commissioner of police since 2010.

2 Q. Okay. So you were commissioner from 2010
3 through 2018 when you left?

4 A. To January 18.

5 Q. Okay. And then after January 18th you had the
6 employment we discussed?

7 A. Correct.

8 Q. What was the BPD Strike Force?

9 MR. QUINN: Object to the form. You can
10 answer.

11 A. Strike Force was a unit that we put together
12 to go and basically supplement other districts
13 so they can go in. They weren't tied to a
14 radio. They were in there to be proactive
15 going after areas where we had spikes in
16 crime.

17 Q. And I'm sorry, Mr. Derenda. You froze for a
18 minute so I couldn't hear your answer.

19 A. Strike Force was the unit we put together --

20 MR. QUINN: Did you get the answer,
21 Rebecca? I want to make sure we're not missing
22 things.

23 (Record read back by reporter)

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~~DANIEL DERENDA~~

1 Q. Okay. And how did performing traffic
2 interdictions or roadblocks help the Strike
3 Force to fulfill its mission?

4 MR. QUINN: Object to the form. You can
5 answer.

6 A. Well, the roadblocks were primarily for
7 traffic safety, but what they also
8 accomplished is high visibility. When they're
9 out there they're being seen and that's part
10 of their mission. It isn't written down.
11 It's the high visibility of the Strike Force
12 because in my opinion I'd rather stop a crime
13 from ever happening than investigate one
14 later, so the more visible officers are, less
15 likely that a crime will be occurring in front
16 of them, but I always thought traffic
17 roadblocks, again traffic safety with the
18 positive benefit of high visibility.

19 Q. If you notice a bit further down it says that
20 the chiefs will develop a weekly list of top
21 five district hotspots to be targeted by the
22 Strike Force. ECAC will develop analysis
23 based on target areas. Sorry. ECAC will

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~~DANIEL DERENDA~~

1 Q. One of the tools the Strike Force used to
2 achieve its mission was traffic checkpoints,
3 correct?

4 MR. QUINN: Object to the form. You can
5 answer.

6 A. Part of their job function was to do traffic
7 checkpoints for traffic safety and high
8 visibility.

9 Q. And the checkpoints were located in crime
10 hotspots?

11 MR. QUINN: Object to the form. You can
12 answer.

13 A. They were located in areas where the officers
14 were assigned.

15 Q. And what first gave you the idea to have the
16 Strike Force do random checkpoints?

17 A. We used to do the roadblocks with the MRU.
18 Again, high visibility, traffic safety and so
19 we had the Strike Force do it, too.

20 Q. And then before the Strike Force officially
21 started did you have conversations with Mayor
22 Brown specifically around the idea that the
23 Strike Force would run roadblocks?

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~~DANIEL DERENDA~~

1 Q. And in this case the checkpoints were part of
2 your plan to deal with gang and gun violence,
3 correct?

4 A. They were -- a part of the Strike Force
5 mission is to form checkpoints wherever they
6 are and if they're assigned to hotspots or
7 gang areas, that's where they would perform
8 them.

9 Q. And my question was whether the Strike Force
10 was performing checkpoints as part of your
11 plan to deal with gang and gun violence?

12 MR. QUINN: Form.

13 A. It was part of Strike Force's overall mission
14 to perform checkpoints.

15 Q. You're not answering --

16 A. I'm stating in my memo they will perform
17 multiple checkpoints everyday at different
18 times in defined gang areas.

19 Q. The purpose of that is to deal with gang and
20 gun violence, correct?

21 MR. QUINN: Form.

22 A. To deal -- again, Strike Force's whole purpose
23 was to deal with gang and gun violence. Part

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~~DANIEL DERENDA~~

1 identified by GIVE grants?

2 MR. QUINN: Form.

3 A. Possibly.

4 Q. Are you familiar with the Supreme Court
5 decision in City of Indianapolis versus
6 Edmond?

7 A. Not that I'm aware of.

8 Q. Are you aware that the United States Supreme
9 Court has placed limitations on police use of
10 checkpoints?

11 MR. QUINN: Form.

12 A. I'd have to review -- again, I don't recall
13 reading any decision from the Supreme Court on
14 checkpoints.

15 Q. So what is your understanding of the law that
16 governs police use of checkpoints?

17 MR. QUINN: Object to the form.

18 A. My understanding? I believe you can refer to
19 the directive. I believe it has to be for a
20 specific purpose and has to be in a defined
21 time, if I recall. It's all laid out in that
22 directive, defined time. Again, treat
23 everybody the same. Specific purpose is

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~~DANIEL DERENDA~~

1 traffic safety in our case with the additional
2 benefit of high visibility.

3 Q. And how did you know what your legal
4 obligations were when running checkpoints?

5 MR. QUINN: Object to the form.

6 A. I believe it was either 2006 or 2007 when I
7 was deputy I had discussed it with attorneys,
8 possibly a judge. I'm sure I had -- I wrote
9 that document and I'm sure I had conversations
10 with people from the legal community.

11 Q. And you wrote the roadblock directive
12 yourself?

13 A. Yes. Back probably 2006 or 7, somewhere
14 around there I believe.

15 Q. And you would have consulted with legal
16 counsel in drafting that document?

17 A. Correct.

18 Q. And then after drafting that document you
19 didn't consult with legal counsel again about
20 your legal obligations?

21 MR. QUINN: Object to the form.

22 A. Not that I recall. Possibly, but I don't
23 recall.

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~~DANIEL DERENDA~~

1 they issued X amount of traffic summonses. I
2 don't believe it was broken down on that
3 report how many were for unregistered, how
4 many for no license, how many for whatever. I
5 don't believe they broke it down by those
6 categories. They may have, but I don't
7 recall.

8 Q. The housing unit also ran traffic checkpoints,
9 correct?

10 MR. QUINN: Form.

11 A. There was traffic checkpoints at times,
12 correct.

13 Q. Isn't it true that sometimes the housing unit
14 ran its own checkpoints without the Strike
15 Force?

16 A. It's possible, but I don't recall any
17 specifics. Again, if they did they would be
18 running under the same rules.

19 Q. So the same directives that are used for the
20 Strike Force checkpoints would also be used
21 for housing unit checkpoints?

22 A. Correct, if they ran them. But I would
23 believe they would be more assisting them for

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~~DANIEL DERENDA~~

1 to be so they do the checkpoints within the
2 areas they're assigned or they did.

3 Q. Well, at the beginning you personally selected
4 specific intersections for the checkpoints,
5 correct?

6 A. For MRU I used to select the locations. Maybe
7 sometimes I asked for specific locations
8 because of complaints from residents. Block
9 clubs we used to hear a lot about it and,
10 quite honestly, we got positive feedback on
11 the traffic safety points.

12 Q. And so what were the kinds of complaints that
13 you would hear from block clubs?

14 A. We would hear complaints of people driving --
15 they would know certain people didn't have
16 driver's licenses. They would know of
17 speeding. They would know of all the loud
18 music blasting, all kinds of other things
19 going on and again part of the traffic safety,
20 although you're checking for licenses and
21 you're checking for inspection stickers,
22 registration, you're getting people unlicensed
23 off the road and you're providing high

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~~DANIEL DERENDA~~

1 visibility to curtail a lot of those
2 activities.

3 Q. So when you were picking specifically
4 intersections for traffic checkpoints what
5 information was going into selecting the
6 specific intersections?

7 A. I don't recall picking specific intersections.
8 Are you talking about MRU now or Strike Force?

9 Q. I believe I'm talking about the early days of
10 the Strike Force.

11 A. So in Strike Force I believe I wasn't -- I
12 would occasionally tell them to be in this
13 certain area, but I don't recall specifically
14 on a day-to-day routine of picking locations
15 and/or places. I believe Lockwood was doing
16 the locations of the roadblocks. I did for
17 MRU way back as deputy commissioner and,
18 actually, the lieutenants at times picked the
19 locations specific for roadblocks.

20 We would pick the areas that I wanted
21 them to target, meaning what was going on,
22 based on what was going on, is what I best
23 recall.

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1 STATE OF NEW YORK)

2 COUNTY OF ERIE)

3
4 I, Rebecca Lynne DiBello, CSR, RPR, Notary
5 Public, in and for the County of Erie, State of
6 New York, do hereby certify:

7 That the witness whose testimony appears
8 hereinbefore was, before the commencement of
9 their testimony, duly sworn to testify the
10 truth, the whole truth and nothing but the
11 truth; that said testimony was taken pursuant
12 to notice at the time and place as herein set
forth; that said testimony was taken down by me
and thereafter transcribed into typewriting,
and I hereby certify the foregoing testimony is
a full, true and correct transcription of my
shorthand notes so taken.

13 I further certify that I am neither counsel
14 for nor related to any party to said action,
15 nor in anyway interested in the outcome
thereof.

16 IN WITNESS WHEREOF, I have hereunto
17 subscribed my name and affixed my seal this
18 14th of November, 2021.

19 

20
21 _____
Rebecca Lynne DiBello, CSR, RPR
22
23

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